

Declaration of Brian P. LeBlanc

1. I am a Special Agent with the Federal Bureau of Investigation, and have served as an FBI Special Agent for the past 11 years. I serve as a Bomb Technician for FBI's Boston Field Office, and have worked in that role since 2014.

2. On or about November 4, 2015, I received from FBI Special Agent and Bomb Technician Geoffrey Raby a total of six M-67 grenades (with inert fuzes inserted) flown to Boston on an FBI aircraft from FBI's Explosives Unit in Quantico, Virginia. I photographed the six grenades; locked and stored them in accordance with ATF regulations in an ATF-approved Type 3 explosives storage box; and kept them in a locked storage drawer in my FBI Bomb Tech truck.

3. On November 6, 2015, two of the six hand grenades were used in an undercover operation in the case of *United States v. Edward McLarnon*. After the arrest of Mr. McLarnon that day, on approximately November 7, 2015, the four remaining grenades were placed and locked in the FBI-Boston's Explosives Storage Magazine at Logan Airport (the "Logan Airport Magazine"). The Logan Airport Magazine is an ATF approved Type 1 explosives storage container. The location is access controlled and maintained by the Massachusetts Port Authority (MassPort). It is used to store all explosives held by FBI-Boston. Only FBI Bomb Technicians have access to the magazine.

4. On December 8, 2015, FBI-Boston initiated a full investigation involving Daniel Musso. Because Mr. Musso wanted to purchase grenades, FBI-Boston sought and obtained permission from the Explosives Unit to use the four grenades stored in the Logan Airport Magazine in an undercover operation in that investigation.

5. On January 26, 2016, the day before the arrest in the Musso case, I picked up the four grenades from the Logan Airport Magazine. I placed the grenades in an ATF-approved Type 3 explosives storage “day” box, padlocked the box (using a combination lock with a combination known only to bomb techs), then locked the box in a drawer in my FBI Bomb Tech truck for storage in accordance with ATF regulations. The following morning, January 27, 2016, I drove my truck (and the grenades) to Seabrook, NH, to be used in the undercover operation involving Daniel Musso. At Seabrook, I met with the FBI Undercover Agent in the Musso case, had the grenades photographed by Evidence Response Team Photographer Michelle Gamble, and delivered them to the UC Agent in a brown “Olive Garden” paper bag at 10:33 a.m.

6. When Daniel Musso was arrested a short time later, I was a member of the SWAT Team that arrested him. Immediately after the arrest, at 11:55 a.m., I retrieved the paper bag with the grenades. I inspected the bag, ensured that all four grenades were present, and again had them photographed. I then placed the grenades in my day box, padlocked the box, and returned it to a locked drawer in my Bomb Tech truck. I stored the grenades in accordance with ATF regulations, overnight in my locked truck on January 27, 2016. On the morning of January 28, 2016, I drove my truck to the Logan Airport Magazine and deposited and secured the padlocked day box containing the four grenades.

7. On January 30, 2016, at my office at FBI-Boston, I completed and filed a Collected Item Log (Form FD-1087) documenting my handling of the grenades on the day of the arrest and officially placing the four (4) grenades into evidence. Due to the hazardous nature of the explosive material contained in the grenades they were to remain in my custody and to be stored at the Logan Airport Magazine. I also filled out a handwritten chain of custody sheet (Form FD-1004). Because the chain of custody form could not be entered electronically, I kept

the handwritten form at my desk, intending to take it to the magazine the next time I went there. However, for several months I did not go to the Logan Airport Magazine, and the chain of custody form remained at my desk.

8. In approximately November 2016, FBI-Boston relocated from Downtown Boston to Chelsea, Massachusetts. During the move, I misplaced the original chain of custody form, and do not know what happened to it. Meanwhile, the four grenades remained locked and undisturbed in the day box at the Logan Airport Magazine.

9. In approximately November 2017 I was asked for a copy of the chain of custody form for the four grenades. On December 1, 2017, I visited the Logan Airport Magazine, retrieved the four grenades (this was the first time the padlocked day box had been opened since defendant Musso's arrest nearly two years earlier), and confirmed that the chain of custody form was not present. After FBI Explosives expert Travis McCrady inspected the grenades, I returned them to the padlocked day box and the magazine. Subsequently, I consulted the Boston-FBI's Evidence Control Unit, explained what had happened, and was advised (since the grenades had always remained in my custody) to complete a new chain of custody form to accompany the four grenades. Accordingly, I filled out a new Form FD-1004 (a copy is attached to this Declaration as Exhibit A) with the same information contained in the original form, and placed it with the grenades. In particular, I indicated that I was the "Seizing Individual" for the four grenades at 11:55 a.m. on January 27, 2016 (the arrest scene). I also indicated that I had made an "Explosive Material Certification" as a Special Agent Bomb Technician on that same day, certifying that the evidence constituted "explosive material" that would be stored safely. All of the information I entered on the new chain of custody form was accurate. I notified my Squad Supervisor and the Case Agent that I had completed a new chain of custody form.

10. On January 9, 2018, to permit Mr. Musso and his attorney to inspect the evidence in connection with his upcoming trial, I retrieved the four grenades from the Logan Airport Magazine and transported them in my FBI Bomb Tech truck to the New Hampshire State Police's explosive storage facility in Allenstown, New Hampshire, where they are currently stored until the trial is concluded.

11. From the time I received the four grenades on November 4, 2015, until the present, I have maintained them safely and securely in approved, locked storage containers, and have done nothing to alter or modify them from the condition in which I received them.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 7, 2018.

/s/ Brian P. LeBlanc  
Brian P. LeBlanc  
Special Agent, Federal Bureau of Investigation

# **Exhibit A**

FEDERAL BUREAU OF INVESTIGATION  
EVIDENCE CHAIN OF CUSTODY

<b>Evidence Type:</b> <input type="checkbox"/> General <input type="checkbox"/> Digital <input type="checkbox"/> Drugs <input type="checkbox"/> Valuables <input type="checkbox"/> Firearms/Weapon <input checked="" type="checkbox"/> Firearms/Other		Item # <u>1B14</u>	Description # <u>4 M-67 hand grenades high explosive</u>
<b>Special Handling Instructions</b> <input type="checkbox"/> HAZMAT <input type="checkbox"/> Latents <input type="checkbox"/> FGJ <input type="checkbox"/> Req. Charging <input type="checkbox"/> Freeze <input type="checkbox"/> Refrigerate <input type="checkbox"/> Biohazard <input checked="" type="checkbox"/> Other <u>Explosive</u>		<b>Initial Receipt</b> Signature of Seizing Individual: <u>[Signature]</u> Printed Name/Agency: <u>Brian P. LeBlanc / FBI</u> Reason: Initial Collection Collected By: <u>SA Brian P. LeBlanc</u> Agency: <u>FBI</u>	
<b>Relinquished Custody</b>	<b>Date and Time</b>	<b>Accepted Custody</b>	<b>Date and Time</b>
Signature:		Signature:	
Printed Name/Agency:		Printed Name/Agency:	
Reason:		Reason:	
<b>Relinquished Custody</b>	<b>Date and Time</b>	<b>Accepted Custody</b>	<b>Date and Time</b>
Signature:		Signature:	
Printed Name/Agency:		Printed Name/Agency:	
Reason:		Reason:	
<b>Relinquished Custody</b>	<b>Date and Time</b>	<b>Accepted Custody</b>	<b>Date and Time</b>
Signature:		Signature:	
Printed Name/Agency:		Printed Name/Agency:	
Reason:		Reason:	
<b>Relinquished Custody</b>	<b>Date and Time</b>	<b>Accepted Custody</b>	<b>Date and Time</b>
Signature:		Signature:	
Printed Name/Agency:		Printed Name/Agency:	
Reason:		Reason:	
<b>Relinquished Custody</b>	<b>Date and Time</b>	<b>Accepted Custody</b>	<b>Date and Time</b>
Signature:		Signature:	
Printed Name/Agency:		Printed Name/Agency:	
Reason:		Reason:	
<b>Relinquished Custody</b>	<b>Date and Time</b>	<b>Accepted Custody</b>	<b>Date and Time</b>
Signature:		Signature:	
Printed Name/Agency:		Printed Name/Agency:	
Reason:		Reason:	

<b>Firearm Certification by (FI/SWAT) / Explosive Material Certification by (SABT):</b>		ATF Trace Form Completed: <input type="checkbox"/>
Printed Name: <u>Brian P. LeBlanc</u>		NCIC: <input type="checkbox"/>
Signature: <u>[Signature]</u>		
Date: <u>1/27/2016</u>		

Case ID: [REDACTED]

IB: 14Barcode: E5603573

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